

The Honorable Thomas O. Rice

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UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF WASHINGTON SPOKANE

ANDREW NEWTON,

Plaintiff,

v.

CITY OF EAST WENATCHEE, a
municipal corporation; DOUGLAS
COUNTY, a municipal corporation;
PHILIP AMICI, in his Individual and
official capacity; CARL MOHNS in
his individual and official capacity;
ADRIAN LOPEZ, in his individual
and official capacity; WILLIAM
LANE, in his individual and official
capacity; and RUBI RAMIREZ, in
her individual and official capacity,

Defendants.

No. 2:25-cv-00112-TOR

EAST WENATCHEE
DEFENDANTS' ANSWER AND
AFFIRMATIVE DEFENSES TO
PLAINTIFF'S COMPLAINT

JURY DEMAND

ANSWER

COME NOW defendants CITY OF EAST WENATCHEE, PHILIP
AMICI, CARL MOHNS, and WILLIAM LANE (hereinafter the "East
Wenatchee Defendants"), by and through their undersigned counsel, and by
way of answer to Plaintiff's Complaint, admit, deny, and allege as follows:

EAST WENATCHEE DEFENDANTS' ANSWER
AND AFFIRMATIVE DEFENSES TO
PLAINTIFF'S COMPLAINT - 1
2:25-cv-00112-TOR

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I. INTRODUCTION

1.1 Paragraph 1.1 contains legal conclusions to which no response is required. To the extent a response is necessary, the East Wenatchee Defendants deny all allegations and deny all allegations of wrongdoing.

1.2 In answer to paragraph 1.2, the East Wenatchee Defendants admit that Defendant Ramirez initiated a stop of Plaintiff. Except as admitted, denied.

1.3 The East Wenatchee Defendants deny the allegations asserted in paragraph 1.3.

1.4 In answer to paragraph 1.4, the East Wenatchee Defendants are without knowledge sufficient to form a belief as to Plaintiff's familial relations. The East Wenatchee Defendants deny the remaining allegations asserted in this paragraph.

II. PARTIES

2.1 In answer to paragraph 2.1, the East Wenatchee Defendants deny this paragraph for lack of information.

2.2 In answer to paragraph 2.2, the East Wenatchee Defendants admit.

2.3 The allegations asserted in this paragraph are not directed to the East Wenatchee Defendants and therefore no answer is required. To the extent

1 an answer is required, denied for lack of information.

2 2.4 In answer to paragraph 2.4, the East Wenatchee Defendants admit
3 that, during the incident at issue in Plaintiff's Complaint, Philip Amici was
4 employed as a police officer for the City of East Wenatchee Police
5 Department, was acting under color of law, and was acting within the scope of
6 his employment as an East Wenatchee police officer. Except as admitted,
7 denied.
8
9

10 2.5 In answer to paragraph 2.4, the East Wenatchee Defendants admit
11 that, during the incident at issue in Plaintiff's Complaint, Carl Mohns was
12 employed as a police officer for the City of East Wenatchee Police
13 Department, was acting under color of law, and was acting within the scope of
14 his employment as an East Wenatchee police officer. Except as admitted,
15 denied.
16
17

18 2.6 The allegations asserted in this paragraph are not directed to the
19 East Wenatchee Defendants and therefore no answer is required. To the extent
20 an answer is required, denied for lack of information.
21

22 2.7 The allegations asserted in this paragraph are not directed to the
23 East Wenatchee Defendants and therefore no answer is required. To the extent
24 an answer is required, denied for lack of information.
25

26 2.8 In answer to paragraph 2.4, the East Wenatchee Defendants admit
27

1 that, during the incident at issue in Plaintiff's Complaint, Carl Mohns was
2 employed as a police officer for the City of East Wenatchee Police
3 Department, was acting under color of law, and was acting within the scope of
4 his employment as an East Wenatchee police officer. Except as admitted,
5 denied.
6

7 **III. JURISDICTION AND VENUE**

8
9 3.1 In answer to paragraph 3.1, the East Wenatchee Defendants admit
10 that this Court has subject matter jurisdiction. Except as admitted, denied.

11 3.2 In answer to paragraph 3.2, the East Wenatchee Defendants admit
12 that venue is proper. Except as admitted, denied.
13

14 **IV. FACTS**

15 4.1 In answer to paragraph 4.1, the East Wenatchee Defendants admit
16 they made contact with Plaintiff in the Fred Meyer parking lot at 11 Grant
17 Road in East Wenatchee. Except as admitted, denied for lack of information.
18

19 4.2 In answer to paragraph 4.2, the East Wenatchee Defendants assert
20 these allegations are not directed to them and thus no response is required. To
21 the extent an answer is required, denied for lack of information.
22

23 4.3 In answer to paragraph 4.3, the East Wenatchee Defendants admit
24 they made contact with Plaintiff in the Fred Meyer parking lot at 11 Grant
25 Road in East Wenatchee. Except as admitted, denied for lack of information.
26
27

1 4.4 In answer to paragraph 4.4, the East Wenatchee Defendants deny
2 the allegations for lack of information.

3 4.5 In answer to paragraph 4.5, the East Wenatchee Defendants assert
4 these allegations are not directed to them and thus no response is required. To
5 the extent an answer is required, denied for lack of information.
6

7 4.6 In answer to paragraph 4.6, the East Wenatchee Defendants assert
8 these allegations are not directed to them and thus no response is required. To
9 the extent an answer is required, denied for lack of information.
10

11 4.7 The East Wenatchee Defendants deny the allegations asserted in
12 paragraph 4.7.
13

14 4.8 The East Wenatchee Defendants deny the allegations asserted in
15 paragraph 4.8.
16

17 4.9 The East Wenatchee Defendants deny the allegations asserted in
18 paragraph 4.9.

19 4.10 The allegations asserted in paragraph 4.10 are legal conclusions
20 to which no answer is required. To the extent an answer is required, RCW
21 46.20.015 speaks for itself, and any remaining allegations are denied.
22

23 4.11 In answer to paragraph 4.11, the East Wenatchee Defendants
24 admit that Officer Amici arrived at the scene at approximately 9:40 p.m.
25
26 Except as admitted, denied.
27

1 4.12 In answer to paragraph 4.12, the East Wenatchee Defendants
2 admit that Officer Amici participated in the arrest of Plaintiff. Except as
3 admitted, denied.

4 4.13 The East Wenatchee Defendants deny the allegations asserted in
5 paragraph 4.13.

6 4.14 The East Wenatchee Defendants deny the allegations asserted in
7 paragraph 4.14.
8

9 4.15 The East Wenatchee Defendants deny the allegations asserted in
10 paragraph 4.15.
11

12 4.16 The East Wenatchee Defendants deny the allegations asserted in
13 paragraph 4.15.
14

15 4.17 The East Wenatchee Defendants deny the allegations asserted in
16 paragraph 4.17.
17

18 4.18 The East Wenatchee Defendants deny the allegations asserted in
19 paragraph 4.18.
20

21 4.19 The East Wenatchee Defendants deny the allegations asserted in
22 paragraph 4.19.

23 4.20 The East Wenatchee Defendants deny the allegations asserted in
24 paragraph 4.20.
25

26 4.21 The East Wenatchee Defendants deny the allegations asserted in
27

1 paragraph 4.21.

2 4.22 The East Wenatchee Defendants deny the allegations asserted in
3 paragraph 4.22 for lack of information.

4 4.23 The East Wenatchee Defendants deny the allegations asserted in
5 paragraph 4.23.

6 4.24 The East Wenatchee Defendants deny the allegations asserted in
7 paragraph 4.24.

8 4.25 In answer to paragraph 4.25, the East Wenatchee Defendants
9 admit that Officer Amici told Plaintiff he had failed to identify himself. Except
10 as admitted herein, denied.

11 4.26 The East Wenatchee Defendants deny the allegations asserted in
12 paragraph 4.26.

13 4.27 In answer to paragraph 4.27, the East Wenatchee Defendants
14 admit that other law enforcement personnel arrived on scene. Except as
15 admitted, denied.

16 4.28 In answer to paragraph 4.28, the East Wenatchee Defendants
17 admit that Deputy Adrian Lopez arrived at the scene. Except as admitted,
18 denied.

19 4.29 In answer to paragraph 4.29, the East Wenatchee Defendants
20 admit that Officer Lane arrived at the scene. Except as admitted, denied.

1 4.30 The East Wenatchee Defendants admit the allegations asserted in
2 paragraph 4.30.

3 4.31 The East Wenatchee Defendants deny the allegations asserted in
4 paragraph 4.31.
5

6 4.32 In answer to paragraph 4.32, the East Wenatchee Defendants
7 admit that the passage of time speaks for itself, and that any/all relevant video
8 footage which shows time speaks for itself. Defendants deny the remaining
9 allegations contained in this paragraph.
10

11 4.33 In answer to paragraph 4.33, the East Wenatchee Defendants
12 admit that Officer Amici deployed his taser on Plaintiff. Except as admitted,
13 denied.
14

15 4.34 In answer to paragraph 4.34, the East Wenatchee Defendants
16 admit the Taser deployment appeared to temporarily cause Plaintiff
17 neuromuscular incapacitation. Except as admitted, denied.
18

19 4.35 The East Wenatchee Defendants deny the allegations asserted in
20 paragraph 4.35.
21

22 4.36 The East Wenatchee Defendants deny the allegations asserted in
23 paragraph 4.36.
24

25 4.37 In answer to paragraph 4.37, Defendants assert these allegations
26 are not directed to them and thus no response is required. To the extent a
27

1 response is required, the report speaks for itself.

2 4.38 The East Wenatchee Defendants deny the allegations asserted in
3 paragraph 4.38.

4 4.39 The East Wenatchee Defendants deny the allegations asserted in
5 paragraph 4.39.

6 4.40 The East Wenatchee Defendants deny the allegations asserted in
7 paragraph 4.40.

8 4.41 The East Wenatchee Defendants deny the allegations asserted in
9 paragraph 4.41.

10 4.42 The East Wenatchee Defendants deny the allegations asserted in
11 paragraph 4.42.

12 4.43 The East Wenatchee Defendants admit the allegations asserted in
13 paragraph 4.43.

14 4.44 In answer to paragraph 4.44, the East Wenatchee Defendants
15 admit that Plaintiff was transported to Central Washington Hospital. Except as
16 admitted, denied.

17 4.45 In answer to paragraph 4.45, Defendants assert these allegations
18 are not directed to them and thus no response is required. To the extent a
19 response is required, denied for lack of information.

20 4.46 In answer to paragraph 4.46, Defendants assert these allegations
21

1 are not directed to them and thus no response is required. To the extent a
2 response is required, denied.

3 4.47 The East Wenatchee Defendants deny the allegations asserted in
4 paragraph 4.47.
5

6 V. LEGAL CLAIMS

7 FIRST CAUSE OF ACTION

8 **Violations of Fourth Amendment to U.S. Constitution (42 U.S.C. § 1983)** 9 **Against all Individual Defendants**

10 5.1 In answer to paragraph 5.1, the East Wenatchee Defendants
11 reassert and incorporate by reference their answers to all preceding
12 paragraphs, as if fully set forth herein.
13

14 5.2 Paragraph 5.2 contains legal conclusions to which no response is
15 required. To the extent a response is required, denied.
16

17 5.3 Paragraph 5.3 contains legal conclusions to which no response is
18 required. To the extent a response is required, denied.

19 5.4 Paragraph 5.4 contains legal conclusions to which no response is
20 required. To the extent a response is required, denied.
21

22 5.5 The East Wenatchee Defendants deny the allegations asserted in
23 paragraph 5.5.
24

25 5.6 The East Wenatchee Defendants deny the allegations asserted in
26 paragraph 5.6.
27

1 5.7 The East Wenatchee Defendants deny the allegations asserted in
2 paragraph 5.7.

3 **SECOND CAUSE OF ACTION**

4 **Assault and Battery**
5 **Against All Defendants**

6 5.8 In answer to paragraph 5.8, the East Wenatchee Defendants
7 reassert and incorporate by reference their answers to all preceding
8 paragraphs, as if fully set forth herein.
9

10 5.9 Paragraph 5.9 contains legal conclusions to which no response is
11 required. To the extent a response is required, denied.
12

13 5.10 Paragraph 5.10 contains legal conclusions to which no response is
14 required.
15

16 5.11 The East Wenatchee Defendants deny the allegations asserted in
17 paragraph 5.11.

18 **THIRD CAUSE OF ACTION**

19 **Outrage**
20 **Against All Defendants**

21 5.12 In answer to paragraph 5.12, the East Wenatchee Defendants
22 reassert and incorporate by reference their answers to all preceding
23 paragraphs, as if fully set forth herein.
24

25 5.13 Paragraph 5.13 contains legal conclusions to which no response is
26 required. To the extent a response is required, denied.
27

1 5.14 Paragraph 5.14 contains legal conclusions to which no response is
2 required.

3 5.15 The East Wenatchee Defendants deny the allegations asserted in
4 paragraph 5.15.
5

6 **FOURTH CAUSE OF ACTION**

7 **Negligence**
8 **Against All Defendants**

9 5.16 In answer to paragraph 5.16, the East Wenatchee Defendants
10 reassert and incorporate by reference their answers to all preceding
11 paragraphs, as if fully set forth herein.
12

13 5.17 The East Wenatchee Defendants deny the allegations asserted in
14 paragraph 5.17.

15 5.18 The East Wenatchee Defendants deny the allegations asserted in
16 paragraph 5.18.
17

18 5.19 The East Wenatchee Defendants deny the allegations asserted in
19 paragraph 5.19.
20

21 5.20 The East Wenatchee Defendants deny the allegations asserted in
22 paragraph 5.20.
23

24 **FIFTH CAUSE OF ACTION**

25 ***Monell Action***
26 **Against Douglas County and City of East Wenatchee**

27 5.21 The East Wenatchee Defendants deny the allegations asserted in

1 paragraph 5.21.

2 5.22 The East Wenatchee Defendants deny the allegations asserted in
3 paragraph 5.22.

4 5.23 The East Wenatchee Defendants deny the allegations asserted in
5 paragraph 5.23.

7 **VI. PRAYER FOR RELIEF**

8
9 The East Wenatchee Defendants deny all allegations of wrongdoing and
10 liability as alleged against them and further deny that Plaintiff is entitled to
11 any relief sought, including any allegations stated in paragraphs 6.1 – 6.11 of
12 the Prayer for Relief section of his Complaint.
13

14
15 FURTHER, AND BY WAY OF AFFIRMATIVE DEFENSES,
16 Defendants allege as follows:
17

18 1. **FAILURE TO STATE A CLAIM:** Plaintiff has failed to state a
19 claim upon which relief may be granted.
20

21 2. **QUALIFIED IMMUNITY:** The individual East Wenatchee
22 defendants are entitled to federal and state law qualified immunity.
23

24 3. **YOUNGER ABSTENTION DOCTRINE:** Some of Plaintiff's
25 claims may be barred by *Heck v. Humphrey*, 512 U.S. 477, 114 S.Ct. 2364,
26 129 L.Ed.2d 383 (1994), and/or the Younger abstention doctrine. *See*
27

Dubinka v. Judges of Superior Ct., 23 F.3d 218, 223 (9th Cir. 1994).

4. **COLLATERAL ESTOPPEL**: Some of Plaintiff's claims may be barred by the doctrine of collateral estoppel.

5. **ASSUMPTION OF RISK**: Plaintiff assumed the risk of the injuries he allegedly suffered as a result of his failure to comply with lawful police commands.

6. **INTOXICATION DEFENSE**: Plaintiff was under the influence of intoxicating liquor and/or drugs during the time period at issue in his Complaint, and his state law claims are therefore barred under RCW 5.40.060(1).

7. **FELONY BAR**: Plaintiff was committing a felony at the time he sustained the alleged damages, and his state law claims are therefore barred pursuant to RCW 4.24.420.

8. **CONTRIBUTORY NEGLIGENCE**: If the Court or jury finds that any other at-fault party, non-party, or entity caused any of Plaintiff's damages, fault should be apportioned under RCW 4.22.070.

9. **RESERVATION OF RIGHTS**: By reservation of rights, without waiver, the East Wenatchee Defendants specifically reserve the right to amend their answer and affirmative defenses herein, as discovery or circumstances may warrant.

PRAYER FOR RELIEF

WHEREFORE, the EAST WENATCHEE DEFENDANTS pray for the following relief:

1. That Plaintiff's Complaint be dismissed with prejudice, and that Plaintiff take nothing thereby;
2. That the East Wenatchee Defendants be allowed their statutory costs and reasonable attorney fees incurred herein; and
3. For such additional relief the Court may deem just and equitable.

DATED this 30th day of June, 2025.

KEATING, BUCKLIN & McCORMACK,
INC., P.S.

By: /s/ Ann E. Trivett

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CERTIFICATE OF SERVICE

I hereby certify that on June 30, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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DATED: June 30, 2025

/s/ Ann E. Trivett

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